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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,977	07/21/2003	Rainer Ontl	DT-6581	5321

7590 04/25/2006

SIDLEY AUSTIN BROWN & WOOD LLP
787 Seventh Avenue
New York, NY 10019

EXAMINER

ONEILL, KARIE AMBER

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 04/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/623,977		ONTL, RAINER	
	Examiner		Art Unit	
	Karie O'Neill		1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claims 1-7 are rejected under 35 U.S.C. 102(a) as being anticipated by Geis et al. (US 2004/0106036 A1).

Geis et al. discloses in Figures 1 and 2, a hand-guided cordless screwdriver or cordless power drill system comprising a battery pack (10) having a voltage and a hand-guided electrical tool having an electrical motor (2) that can be driven by the nominal voltage of the battery pack; a housing (1); and an attachment system called a receiving shoe (18) disposed on the housing and on the battery pack for detachable attachment of the battery pack to the housing, wherein the attachment member has a receiving member called lateral guide rails (20) and an engaging member called guide grooves (21) that can be brought into engagement with one another, wherein the housing has a contact means in the form of electrical lines provided in the housing and the battery pack has corresponding counter contact means (23), wherein the guide rails and guide grooves each have a key device comprising a topography including a profile and a counter-topography including a counter profile for the topography providing a positive locking arrangement between the housing and battery pack (paragraph 0019), and wherein a nominal voltage of a system component is associated with a specific topography and a complementary counter-topography. While it is not shown, it is known that a battery pack would have a charging unit provided for the charging of the battery pack. Geis et al. discloses the attachment system called the receiving shoe (18) comprising blocking means or locking noses (24) that prevent the engagement of the attachment system between the tool housing and the battery pack when the nominal voltage of the tool is lower than the battery voltage of the battery pack. Inherently, the

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battery pack and the housing will not match up if each of the components is independently manufactured and would therefore not allow the nominal voltage of the battery pack and nominal voltage of the tool to correspond with one another if each of the parts does not fit with one another. Geis et al. discloses, the battery pack having topography in the form of the receiving shoe (18), wherein the battery pack has at least one carrier or guide rail (20) with the topography and wherein the topography comprises a length of guide rails extending longitudinally down the surface of the receiving shoe. Geis et al. also discloses in paragraph 0019, locking noses that are provided in the receiving shoe which engage matching locking openings at the free end of the tool housing in a positive locking way so to provide a snap-on connection and ensure a safe attachment of the battery pack to the tool housing as well as a stop provided as the end face (20) opposite the open end of the receiving shoe.

Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Turner et al. (US 6,729,413 B2).

Turner et al. discloses in Figures 1 and 3-4, a hand guided electrical tool system comprising a battery pack (30) having a voltage and a cordless power tool (10) having an electrical motor (14) that can be driven by the battery pack; a housing (12); and an attachment system for detachable attachment of the battery pack (30) to the housing (12), wherein the attachment system includes the housing base portion (18) having a battery pack receiving frame (32) and the battery pack includes a battery receiving

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cavity (40), wherein the housing has a contact means (54, 56) which couple with electrical connectors (104, 106) of the battery pack, wherein the battery pack receiving frame and the battery pack cavity have a key device comprising a topography including a profile including rails (80, 82) and a counter-topography including a counter profile for the topography including channels (48, 50), and wherein a nominal voltage of a system component is associated with a specific topography and a complementary counter-topography. While it is not shown, it is known that a battery pack would have a charging unit provided for the charging of the battery pack. Turner et al. discloses the attachment system comprising a blocking means or latch (78) that prevents the engagement of the attachment system between the housing and the battery pack when the nominal voltage of the tool is lower than the battery voltage of the battery pack. Inherently, the battery pack and the housing will not match up if each of the components is independently manufactured and would therefore not allow the nominal voltage of the battery pack and nominal voltage of the tool to correspond with one another if each of the parts does not fit with one another. Turner et al. discloses the tool system wherein the batter pack has the topography including rails (80, 82) longitudinally extending along the top surface of the battery pack (column 3 lines 52-58). Geis et al. also discloses the electrical tool comprising a first blocking means called tabs (70, 72), which guide the rails into contact with springs that then latch the battery pack into place with the housing.

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Geis et al. (US 2004/0106036 A1) and Turner et al. (US 6,729,413 B2) in view of Small et al. (US 6,489,751 B2).

Geis et al. and Turner et al. both disclose the electrical tool of Claims 1 and 6 above, but do not disclose the charging unit comprising a second blocking means which can cooperate with the topography.

Small et al. discloses in column 6 lines 60-65, the battery charger having a receiving hook to couple to locking tabs of the battery pack as well as a polarity slot in its case to mate with a polarity key in the battery charger.

Geis et al., Turner et al. and Small et al. are analogous art because they are from the same field of endeavor, batteries. At the time of the invention it would have been obvious to one of ordinary skill in the art to use a battery charging unit with blocking means, as in the Small et al. reference, that can cooperate with the battery packs disclosed in the Geis et al. and Turner et al. references for the purpose of preventing the battery pack from being dislodged from the charging unit as well as to avoid improper installation.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karie O'Neill whose telephone number is (571) 272-8614. The examiner can normally be reached on Monday through Friday from 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KAO


MICHAEL BARR
SUPERVISORY PATENT EXAMINER